

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
October 21, 2008

The City Council convened in Regular Session on Tuesday, October 21, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46931

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by RICHARD VEIT to excuse the absence of Councilmember Michael Weller. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

RESOLUTIONS/AWARDS/PROCLAMATIONS

Presentation of a Proclamation Proclaiming November 25, 2008, as the 18th Annual "No Hunger Holiday"

The Honorable Mayor Patricia M. York read a Proclamation recognizing November 25, 2008, as the 18th Annual "No Hunger Holiday".

A Resolution Recognizing Archie Scott for the Honor Bestowed Posthumously by the Missouri Alliance for Historic Preservation (*Sponsor: Larry Muench*)

City Clerk Marilyn K. McCoy read the Resolution in its entirety. A roll call vote was taken, with the following results:

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering
 "Nay": None
 Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Resolution R08-29**

A Resolution in Support of Proposition A, "The Schools First" Initiative (*Sponsors: Dave Beckering, Laurie Feldman, Michael Klinghammer, Jerry Reese, and Ron Stivison*)

Councilmember Laurie Feldman gave an overview of Proposition A and introduced Denice McKeown, who spoke on behalf of Proposition A. City Clerk Marilyn K. McCoy read the Resolution in its entirety. A roll call vote was taken, with the following results:

Passed "Aye": Feldman, Klinghammer, Muench, Reese, Stivison, Veit, Beckering, and Ermeling
 "Nay": None
 Absent: Kneemiller and Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Resolution R08-30**

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Recognition of Public Works Employee Brad Morse for Receipt of the State-Wide
Operator of the Year Award

Director of Public Works Debra Aylsworth introduced Water Division Supervisor, Joe Radtke, congratulated Water Plant Operator Brad Morse for receipt of the award, and provided background on Mr. Morse' employment with the City. Mr. Morse accepted the award for State-Wide Operator of the Year, and stated that the award was a reflection of the entire Water Division.

File #46932

A Resolution Adopting an Identity Theft Prevention Program (*Sponsor: Jerry Reese*)
City Clerk Marilyn K. McCoy read the Resolution in its entirety. A roll call vote was taken, with the following results:

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering,
Ermeling, and Feldman

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Resolution R08-31**

BILLS FOR FINAL PASSAGE

Bill 9774

An Ordinance Authorizing Acceptance of Water, Sanitary Sewer and Storm Sewer Utilities and Their Appurtenances for the Walgreens at Mallard Pointe and Release of Security (*Sponsor: Michael Klinghammer*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling,
Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-222**

Bill 9775

An Ordinance Authorizing Acceptance of Water and Sanitary Sewer Utilities and Their Appurtenances at Simutronics and Release of Security (*Sponsor: Richard Veit*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling,
Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-223**

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Bill 9776

An Ordinance Authorizing and Ratifying an Initial Funding Agreement Between the City of St. Charles, Missouri and Truman Boulevard Center, TIC, D.J. Zavarinos, Administrator, a Tenancy in Common of Missouri Limited Liability Companies
(Sponsors: Jerry Reese and Michael Klinghammer)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-224**

Bill 9777

An Ordinance Authorizing Execution of a Purchase and Sale Agreement with the Boys' Club of St. Charles, Missouri for the Purchase of Approximately 5.08 Acres in an Amount not to Exceed \$1,380,000; Authorizing Execution of a Lease Agreement with the Boys' Club of St. Charles, Missouri; and Authorizing Continuing Authority for the Mayor and City Clerk to Perform those Acts Necessary Effectuate the Intent of this Ordinance (Sponsors: Richard Veit, Jerry Reese, Larry Muench, Dave Beckering, Michael Klinghammer, Ron Stivison and Erv Ermeling)

Councilmember Laurie Feldman asked to be added as a sponsor.

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-228**

Bill 9778

An Ordinance Authorizing an Easement Encroachment License Agreement with Keith R. Boyd and Margaret T. Boyd for the Construction and Maintenance of a Block Retaining Wall on the Easement Located at or Near 3026 Appleblossom Lane (Sponsor: Michael Weller)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-225**

Bill 9780

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Design, Subsurface Utility Engineering, Right-of-Way Acquisition and Procurement, and Construction Services for the New Town Boulevard Reconstruction Project (Sponsor: Michael Klinghammer)

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Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling,
Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-226**

Bill 9781 (Amended)

An Ordinance Authorizing an Agreement to Terminate the Contract with St. Charles County for the Use of St. Charles County Transportation Sales Tax Funds for Improvements to Droste Road (*Sponsors: Ron Stivison and Bob Kneemiller*)

A motion was made by BOB KNEEMILLER to amend Council Bill 9781 in accordance with Proposed Substitute Bill No. 1 by amending the contract to be in compliance with the contract adopted by the County of St. Charles. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

Bill 9782

An Ordinance Authorizing a Contract with N.B. West Contracting Company for the Alley Reconstruction (Between Lawrence and French Streets) Project in an Amount not to Exceed \$142,734.00 (*Sponsor: Richard Veit*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling,
Feldman, and Klinghammer

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on October 22, 2008, and is known as **Ordinance 08-227**

Bill 9783 (Amended)

An Ordinance Authorizing an Agreement to Terminate the Contract with St. Charles County for the Use of St. Charles County Transportation Sales Tax Funds for Improvements to Boschertown Road (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9783 in accordance with Proposed Substitute Bill No. 1 by amending the contract to be in compliance with the contract adopted by the County of St. Charles. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9785

An Ordinance Approving the Record Plat for Amended Plat of Benne Building No. 1 Sunnybrook Park Plat 4, Pt. Lot A, a Subdivision in the City of St. Charles, Missouri (*Sponsor: Erv Ermeling*)

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Bill 9786

An Ordinance Approving the Record Plat for Lots 1 and 2 of City Block No. 92, a Subdivision in the City of St. Charles, Missouri (*Sponsors: Larry Muench and Richard Veit*)

Bill 9787

An Ordinance Authorizing a Contract with Pundmann Ford for the Purchase of Nine (9) 2009 Ford Crown Victoria Police Interceptor Vehicles for the Police Department in an Amount Not to Exceed \$212,139.00 (*Sponsor: Jerry E. Reese*)

Bill 9788

An Ordinance Repealing Ordinance 07-295 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Christian Fellowship Center, Inc. (420 Hemsath Road) (*Sponsor: Laurie Feldman*)

Bill 9789

An Ordinance Authorizing a Contract with Fred M. Luth & Sons, Inc. for the Construction of the Houston and Waverly Sanitary Sewer Project in an Amount Not to Exceed \$118,523.00 (*Sponsors: Richard Veit and Michael Klinghammer*)

Bill 9790

An Ordinance Authorizing an Engineering Services Contract with Jacobs Engineering Group, Inc. for the Design, Bidding & Construction Management Services for the Upgrading of the Elm Point Water Treatment Plant in an Amount Not to Exceed \$592,400.00 (*Sponsor: Michael Klinghammer*)

Bill 9791

An Ordinance Authorizing Acceptance of Water and Sanitary Sewer Utilities and Their Appurtenances at Bogey Club Phase 2 and Release of Security (*Sponsor: Michael Klinghammer*)

Bill 9792

An Ordinance Authorizing Acceptance of Sanitary Sewer Utilities and Their Appurtenances at Enterprise Leasing (*Sponsor: Michael Klinghammer*)

Bill 9793

An Ordinance Authorizing a Contract with Earth City Salt Depot for the Purchase of 1,000 Tons of Road Salt for the 2008-2009 Winter Season in an Amount Not to Exceed \$110,000.00 (*Sponsor: Jerry E. Reese*)

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Bill 9794

An Ordinance Authorizing a Contract with Coe Equipment Company for the Purchase of One (1) 2009 Vactor 2112-J6 Catch Basin/Sewer Cleaning Unit Mounted on an International 7400 SBA 6 x 4, 66,000 lb. G.V.W.R. Tandem-Axle Chassis in an Amount Not to Exceed \$289,522.00 (*Sponsor: Michael Klinghammer*)

Street Superintendent Dennis Boswell provided information relative to the proposed purchase of the sewer cleaning unit upon an inquiry of Councilmember Richard Veit.

CONSENT AGENDA

A motion was made by LARRY MUENCH to receive and approve the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: Weller. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of October 7, 2008
 - 2. Public Hearing of October 7, 2008

File #46933

 - 3. Special Council Meeting of October 14, 2008
- B. Approval of Council Committee Reports
 - a. Council Work Session (Salary Survey Meeting) of August 26, 2008
 - b. Technology Committee Meeting of October 7, 2008

File #46725

File #46734

- 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session (Salary Survey Meeting) of August 26, 2008
 - i. Motion to Hire an Outside Agency to Perform a Compensation Study
 - b. Technology Committee Meeting of October 7, 2008
 - i. Motion to Accept the Items Listed on the Barracuda Web Filter Information as the Web Sites to be Blocked and/or Monitored; and to Include this Information in the Technology Policy
- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Youth Advisory Commission Meeting of September 11, 2008
 - 2. Board of Public Works Meeting of August 14, 2008
 - 3. Special Business District Advisory Board Meeting of August 7, 2008

File #46736

File #46765

File #46818

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| File #46761 | 4. Senior Citizens Advisory Commission Meeting of August 19, 2008 |
| File #46763 | 5. Economic Development Commission Meeting of September 4, 2008 |
| File #46809 | 6. Veterans Commission Meeting of September 8, 2008 |

D. Receipt of Reports of the Director of Administration

1. Receipt of Department Project Activity Reports

Councilmember Bob Kneemiller requested that the Department Project Activity Reports be provided to the Councilmembers in paper form on a monthly basis, in addition to including the reports on the disc.

File #46934

E. Approval of Contracts and Easements from \$30,001 - \$99,999

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| File #46935 | 1. Contract with George Butler Associates for Land Acquisition Services for Right-of-Way and Easements and Relocation Services Needed for the Dickamp Road Reconstruction Project in an Amount not to Exceed \$80,000 |
| File #46936 | 2. Supplemental Agreement No. 2 with Farnsworth Group, Inc. for the south Main Street Reconstruction Project (Boone's Lick South to Reservoir Street) in an Amount not to Exceed \$10,890.00 |
| File #46937 | 3. Contract with Lincoln National life Insurance Company to Provide Basic Life and Accidental Death and Dismemberment (AD&D) Insurance Coverage for a One Year Period Beginning February 1, 2009 Through January 31, 2009 |
| File #46938 | 4. Renewal Contract with Lincoln National Insurance Company to Provide Full-Time Employees Long-Term Disability Insurance for the Period February 1, 2009 Through January 31, 2010. |
| File #46939 | 5. Renewal Contract with Lincoln National Insurance Company to Provide Voluntary Life and Voluntary Accidental Death and Dismemberment (AD&D) Insurance Coverage for a One-Year Period Beginning February 1, 2009 Through January 31, 2010. |
| File #46940 | 6. Renewal Contract with United Health Care Specialty Benefit for Vision Benefits from February 1, 2009 through January 31, 2010 |

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| File #46941 | 7. | Renewal Contract with Essex Dental to Provide Basic and Buy-Up Dental Program for Plan Year 2009 (February 1, 2009 through January 31, 2010) |
| File #46942 | 8. | Amendment No. 2 with Sprint for Wireless Data Service for Police Mobile Computers (32 Air Cards) for 12 Months in an Amount not to Exceed \$17,795.52 |
| File #46943 | 9. | Contract with KMOV-TV for Advertising of the Christmas Traditions Event in an Amount not to Exceed \$39,500.00 |
| File #46944 | 10. | Renewal Contract with Thoele, Inc. for Contractual Snow Removal Services for the 2008/2009 Winter Season in an Amount not to Exceed \$70,000 |
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| | F. | Preliminary Plats
None |
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| | G. | Miscellaneous |
| File #46945 | 1. | Receipt of the Proposed Annual Budget for 2009 as Submitted by the Board of Directors of the Veterans Memorial Community Improvement District |
| File #46946 | 2. | Receipt of the Proposed Annual Budget for 2009 as Submitted by the Board of Directors of the Elm & 370 Community Improvement District |
| File #46947 | 3. | Receipt of the Proposed Annual Budget for 2009 as Submitted by the Board of Directors of the Fairgrounds Road Community Improvement District |
| File #46948 | 4. | Receipt of the Proposed Annual Budget for 2009 as Submitted by the Board of Directors of the Fountain Lakes Commerce Center North Community Improvement District |
| File #46710 | 5. | Liquor License Application for Jacquelyn S. Bridges, d/b/a: Mattingly's Sports Bar & Grill, located at 3432 Harry S. Truman Blvd. |
| File #46737 | 6. | Investment Report September 2008 |

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7. Certification of City Clerk Relative to Receipt of the Petition for Establishment of The Fountain Lakes Commerce Center South Community Improvement District in Accordance with Section 67.1401, et seq. RSMo.

File #46949

8. Report of Court Administrator of Monies Collected and Deposited During the Month of September 2008

File #46743

REPORT OF THE MAYOR

Introduction of John Knoll, Manager, Retail Business Development

Economic Department Director Nadine Boon introduced John Knoll who was recently hired by the City as the Retail Business Development Manager. Mr. Knoll thanked the City for the opportunity to work for the City of St. Charles.

Written and/or Verbal Messages from the Mayor

Dogtober Adoption Fair and Pet Parade. The Honorable Mayor Patricia M. York announced that the Dogtober Adoption Fair and Pet Parade is scheduled for October 25, 2008, at the Dog Park Area of DuSable Park, from 10:00 a.m. to 2:00 p.m.

Halloween Spooktacular. The Honorable Mayor Patricia M. York announced that the Halloween Spooktacular is scheduled for Thursday, October 30, 2008, at Memorial Hall, from 6:00 p.m. to 8:00 p.m.

Trick or Treat on Main Street. The Honorable Mayor Patricia M. York announced that the merchants on Main Street will sponsor a trick or treat event on October 31, 2008, from 3:00 p.m. to 5:00 p.m.

Veterans Day Memorial Service. The Honorable Mayor Patricia M. York announced that the Annual Veterans Day Memorial Service is scheduled for November 11, 2008, at 11:00 a.m. at the Historic Courthouse at 3rd & Jefferson Streets.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Discussion Relative to Creekbank Stabilization

Councilmember Dave Beckering requested that we move forward with the creekbank stabilization for the five properties identified previously. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Michael Klinghammer that a project status report on the Cole Creek Stabilization will be forwarded to the Council next week. City Clerk Marilyn McCoy clarified that the issue of funding for Creekbank Stabilization will be listed on the agenda at which the CIP and the 2009 Budget are discussed.

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Discussion Relative to the Proposed Street Maintenance Facility

Councilmember Bob Kneemiller requested that this item be discussed during budget discussions.

Written and/or Verbal Messages from the Councilmembers

Life is Good Festival. Councilmember Richard Veit, Councilmember Laurie Feldman, and Councilmember Erv Ermeling stated that the Life is Good Festival was a success.

Streets of St. Charles at Noah's Ark. Councilmember Laurie Feldman stated that the grading will commence at the Streets of St. Charles at Noah's Ark in November.

Community Center Oversight Committee. Councilmember Laurie Feldman announced that the Community Center Oversight Committee is meeting weekly.

Allied Waste Trash Contract. Councilmember Michael Klinghammer announced that residents will be receiving notification from the City's trash hauler, Allied Waste, relative to the specifics of the new trash contract which will begin on January 1, 2009. President of the Council Jerry Reese requested that Allied Waste display the two sizes of recycling containers in the rotunda of City Hall.

Shady Springs/North Service Road. President of the Council Jerry Reese announced that the traffic signalization at Shady Springs and North Service Road has been installed.

APPROVAL OF CLOSED MINUTES

A motion was made by BOB KNEEMILLER to approve the following Closed Session Minutes. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller. Motion passed.

- A. Council Work Session of June 10, 2008, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); and existing or proposed security systems and structural plans of real property owned or leased by a public governmental body (RSMo 610.021.19)
- B. Special Council Meeting of June 17, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

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- C. Regular Council Meeting of June 17, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- D. Regular Council Meeting of September 16, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), with the following results: "Aye": Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Weller. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 7:49 p.m.

November 4, 2008
Date Approved

Marilyn A. McCas
City Clerk

George E. Reese
Jerry Reese, Presiding Officer